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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
(SAN FRANCISCO DIVISION)**

In re: CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION

Master File No. 07-5944 SC (N.D. Cal.)

MDL No. 1917

This Document Relates to:

*Tech Data Corp., et al. v. Hitachi, Ltd., et
al., No. 13-cv-00157-SC*

*Dell, Inc., et al. v. Hitachi, Ltd., et al., No.
13-cv-02171-SC.*

**JOINT STIPULATION AND ~~[PROPOSED]~~
ORDER REGARDING PRESERVATION OF
APPELLATE RIGHTS AND INITIAL
DISCLOSURES**

Judge: Hon. Samuel Conti

1 Plaintiffs Tech Data Corporation and Tech Data Product Management, Inc., (collectively,
 2 “Tech Data”); Plaintiffs Dell Inc. and Dell Products L. P. (collectively, “Dell” and together with
 3 Tech Data the “Stipulating Plaintiffs”); and Defendants Mitsubishi Electric Corporation,
 4 Mitsubishi Electric Visual Solutions America (f/k/a Mitsubishi Digital Electronics, America,
 5 Inc.). and Mitsubishi Electric US, Inc. (f/k/a Mitsubishi Electric & Electronics, USA, Inc.)
 6 (collectively, “Mitsubishi Electric”) hereby stipulate as follows:

7 WHEREAS, on September 9, 2013, Tech Data filed its First Amended Complaint;

8 WHEREAS, Tech Data’s First Amended Complaint purports to bring Sherman Act,
 9 Florida Deceptive and Unfair Trade Practices Act (“FDUTPA”), California Cartwright Act, and
 10 California Unfair Competition claims against Mitsubishi Electric;

11 WHEREAS, on June 10, 2013, Dell filed its First Amended Complaint;

12 WHEREAS, on December 30, 2013, Mitsubishi Electric moved to dismiss other Direct
 13 Action Plaintiffs’ (“DAPs”) Complaints (Dkt. 2299);

14 WHEREAS, on October 7, 2013, the Defendants other than Mitsubishi Electric and
 15 Thomson Consumer Electronics, Inc. and Thomson SA, filed a Joint Notice of Motion and
 16 Motion to Dismiss Certain Direct Action Plaintiffs’ Claims and Memorandum of Law in Support
 17 (Dkt [1922] (“Defendants’ Joint Motion to Dismiss”));

18 WHEREAS, on March 13, 2014 the Court issued Orders granting in part and denying in
 19 part Mitsubishi Electric’s Motion to Dismiss the DAPs’ Complaints or First Amended
 20 Complaints, dismissing certain state law claims, including FDUTPA, California Cartwright Act,
 21 and California Unfair Competition claims, but denying the Mitsubishi Electric’s motion based on
 22 laches and the statute of limitations with respect to the federal claims (Dkt. 2439) and granting in
 23 part and denying in part Defendants’ Joint Motion to Dismiss, which dismissed Tech Data’s
 24 FDUTPA, California Cartwright Act, and California Unfair Competition claims (Dkt. 2433); and

25 WHEREAS, Mitsubishi Electric, Tech Data and Dell seek to avoid the cost and burden of
 26 service, and seek to avoid needlessly expending this Court’s resources litigating issues already
 27 decided by this Court;

1 NOW, THEREFORE, IT IS HERBY STIPULATED AND AGREED between counsel
2 for the Stipulating Plaintiffs and Mitsubishi Electric as follows:

3 1. This Court's March 13, 2014 Orders shall apply to Tech Data's and Dell's First Amended
4 Complaints as if Mitsubishi Electric's December 20, 2013 Motion to Dismiss was filed
5 concerning the Complaints filed by Tech Data and Dell and as if Mitsubishi joined in the
6 Defendants' Joint Motion to Dismiss in the first instance; in particular:

7 a. The Court's ruling on Mitsubishi Electric's laches and statute of limitations
8 arguments shall apply to the complaints filed by Tech Data and Dell, and are
9 fully preserved as to those complaints and need not be re-raised in order to present
10 them on appeal;

11 b. The Court's March 13, 2014 Orders regarding the timeliness of other DAPs and
12 Tech Data's state law claims shall apply to Tech Data's FDUTPA, California
13 Cartwright Act, and California Unfair Competition claims against Mitsubishi
14 Electric, and such claims are hereby stricken;

15 c. Tech Data may raise on appeal any statute of limitations arguments raised by
16 Tech Data or any other DAP in connection with the March 13, 2014 Orders and
17 such arguments need not be raised anew by Tech Data in order to preserve them.

18 2. Mitsubishi Electric, Dell and Tech Data shall exchange 26(a)(1) disclosures on
19 May 30, 2014. To the extent that Dell and Tech Data contend that they have produced
20 discovery that satisfies their disclosure obligations, Dell and Tech Data shall each
21 provide a letter that (1) attaches the discovery that meets the disclosure obligations, (2)
22 specifically identifies the 26(a)(1) disclosures satisfied by the attached discovery, and (3)
23 cites to the specific portions of the attached discovery for each category of 26(a)(1)
24 disclosures.

25 **IT IS SO STIPULATED.**

26 Dated: May 6, 2014

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Respectfully Submitted,

By:

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FILER'S ATTESTATION

I, Scott N. Wagner, am the ECF user whose identification and password are being used to file this Stipulation. In compliance with Civil L.R. 5-1(i)(3), I hereby attest that concurrence in the filing of this document has been obtained from the signatories above.

/s/ Scott N. Wagner

Scott N. Wagner

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: May 9, 2014

